

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track Three Cases

MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster

DECLARATION OF STEVEN N. HERMAN IN SUPPORT OF THE PHARMACY
DEFENDANTS' MOTION TO EXCLUDE CERTAIN OPINIONS
AND TESTIMONY OF DR. KATHERINE KEYES

EXHIBIT 7

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- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

13 April 29, 2019

16 Videotaped deposition of
17 KATHERINE KEYES, Ph.D., taken pursuant to
notice, was held at the law offices of
18 Lieff Cabraser, LLP, 250 Hudson Street,
New York, New York beginning at 9:08
a.m., on the above date, before Michelle
19 L. Gray, a Registered Professional
Reporter, Certified Shorthand Reporter,
20 Certified Realtime Reporter, and Notary
Public.

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1 Q. Fair to say you didn't
2 consider any studies outside of the ones
3 cited in your report, correct?

4 A. I believe you've been
5 provided with all the material that I
6 evaluated to make my opinions.

7 Q. Okay. In considering -- or
8 in writing your report, did you consider
9 whether -- what physicians learn in
10 medical school impacts their prescribing
11 decision with respect to opioids?

12 A. Where physicians were in
13 medical school or what --

14 Q. Did you consider whether
15 what physicians learned in medical school
16 impacted their decisions to write
17 opioids?

18 A. So I do epidemiological
19 literature review and data analysis. It
20 is at a population level. And the
21 population level data indicates that
22 often what physicians were told, they
23 were misinformed about the risks and
24 benefits of opioids.

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1 Q. And were they -- who were
2 they told by?

3 A. The available literature
4 that I have cited in this report points
5 to materials that were received by the
6 manufacturers.

7 Q. Okay. And so in forming
8 your opinion, you didn't consider what
9 physicians learned in medical school, did
10 you?

11 A. People that teach in medical
12 school are also physicians. So they
13 are -- they are not developing their --
14 what they teach de novo.

15 Q. And in forming your opinion,
16 you didn't consider whether formularies
17 or third-party payor guidelines could
18 affect physicians' prescribing decisions,
19 did you?

20 MS. RELKIN: Objection to
21 form.

22 THE WITNESS: Can you give
23 me an example of formularies and
24 third-party payor guidelines?